

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 4:19-CR-00966-SRC-SPM
)
)
ERRICK ROACH,)
)
 Defendant.)

DETENTION HEARING

BEFORE THE HONORABLE PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

DECEMBER 10, 2019

APPEARANCES:

For Plaintiff: Jennifer Lauren Szczucinski, Esq.
 OFFICE OF THE U.S. ATTORNEY
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 St. Louis, MO 63102

For Defendant: Patrick S. Kilgore, Esq.
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 United States District Court
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Detention Hearing

2

DECEMBER 10, 2019

(The proceedings commenced at 10:21 a.m.)

(The following proceedings were held in open court with the defendant present:)

THE COURT: All right. So we're on the record in 4:19-CR-966, USA v. Errick Roach.

Mr. Roach, you've got a detention hearing set this morning. First thing we're going to do is have the lawyers announce themselves for a record -- for the record.

Go ahead, Counsel.

MS. SZCZUCINSKI: Jennifer Szczucinski for the United States, Your Honor.

MR. KILGORE: Patrick Kilgore on behalf of Mr. Roach, Your Honor.

THE COURT: Okay. So Mr. Kilgore, did you have a chance to talk to Mr. Roach about how he wants to proceed this morning?

MR. KILGORE: I did, Your Honor. I spoke with Mr. Roach this morning and discussed the charges and the Pretrial Services Report with him. He would like to proceed this morning with the detention hearing.

THE COURT: Okay. So Mr. Roach, this is the way we're going to do this. We're going to have the Government lay out the reasons for its motion to detain you because there's a motion pending right now for detention and the

1 Government's responsibility is to lay out the reasons for
2 that. Pretrial Services has also filed a report recommending
3 that you be detained. Okay? So I'm going to let the
4 Government state its reasons and then you and your lawyer will
5 have an idea of what the basis for the detention is and your
6 lawyer will be able to respond. Okay?

7 **THE DEFENDANT:** Yes, ma'am.

8 **THE COURT:** All right. So go ahead, Counsel.

9 **MS. SZCZUCINSKI:** Your Honor, the Government
10 believes that detention is appropriate mainly for the safety
11 of the community in this situation. Mr. Roach is charged with
12 three counts of armed carjacking and three counts of
13 brandishing a firearm in furtherance of a crime of violence
14 pursuant to 924(c); and therefore, a rebuttable presumption
15 does arise with regard to detention.

16 I have, for the Court, from Ms. Behrens, Your Honor,
17 whose case this is, a police report that she'd like to offer
18 as exhibits about the circumstances, but specifically,
19 Mr. Roach and his co-defendant robbed three different people
20 at gunpoint including a 9-year-old child. They forced them
21 from their cars, made them lie on the ground in one situation.

22 Additionally, Mr. Roach is suspected to be involved
23 in at least one other carjacking that the Government is
24 looking at, if not more; and therefore, we believe that the
25 safety of the community is paramount in this situation and

1 that Mr. Roach should remain detained.

2 **THE COURT:** Okay. So let me ask you. Is there --
3 let me look at the motion again. I thought that there was --
4 there's also a flight risk grounds in the motion. What is the
5 basis for flight risk?

6 **MS. SZCZUCINSKI:** Your Honor, the Government's
7 concern in this case with regard to flight risk is that,
8 obviously, Mr. Roach was not apprehended at the scene in any
9 of these cases, so he fled the area, and the nature of this --
10 of the crimes.

11 **THE COURT:** Okay. What's the sentencing issue here?

12 **MS. SZCZUCINSKI:** Sentencing issue for an armed
13 carjacking, I believe, Your Honor, is a maximum of 15 years in
14 the Department of Corr- -- in the Bureau of Prisons, and the
15 924(c) is a minimum of 7 years to run consecutive to the armed
16 carjacking.

17 **THE COURT:** Okay. All right. When you say he fled
18 the area, what do you mean by that?

19 **MS. SZCZUCINSKI:** In all three robberies, he and his
20 co-defendant fled after stealing the car, obviously. They
21 were not apprehended quickly. It took time for them to be
22 located, so they were not located on the scene or close to the
23 scene.

24 **THE COURT:** Okay.

25 **MS. SZCZUCINSKI:** And these -- from a time frame

1 perspective, Your Honor, these robberies all happened
2 October 6th, October 8th, and October 15th, so over a weeklong
3 period.

4 **THE COURT:** Okay. So Mr. Kilgore?

5 **MR. KILGORE:** Your Honor, just briefly regarding the
6 flight risk. I think it's addressed in the Pretrial
7 Services Report and the fact that Mr. Roach has one sister who
8 lives in Texas. He doesn't have much contact with her. She's
9 older and has her own life there.

10 As you can see, he has a significant number of
11 family members and friends. He has no other ties to anywhere
12 else other than the St. Louis area. As the report indicates,
13 he lives in Jennings, Missouri, with his aunt whose name is
14 Janice Gilbert. Ms. Gilbert is here in the courtroom. She
15 owns her own home at 9406 Wilson Ridge Drive. She works for
16 Wells Fargo as -- in their compliance department. She has --
17 actually, works from home. She has the flexibility to work
18 from home a few days a week. She has informed me that she's
19 certainly willing to tender her property at that address to
20 secure a bond for Mr. Roach. That house is -- sounds very
21 nice from what I understand. It's completely paid for.

22 **THE COURT:** Well, Mr. Kilgore, you know from your
23 own experience that this is not a question of money.

24 **MR. KILGORE:** I understand.

25 **THE COURT:** So I'm not looking --

Detention Hearing

6

1 **MR. KILGORE:** Right. I understand.

2 **THE COURT:** -- for money here.

3 **MR. KILGORE:** I'm just -- I'm just talking about --
4 I guess I'm -- I understand that money's not the issue. I'm
5 just saying that there's significant value in the home and
6 she's going to post that to secure her nephew's release. I
7 think that says something about the tight family connections
8 that he has here and the connections he has to the community.

9 I understand that value is not the issue, but he
10 does have other friends here. Mr. Vetz (phonetic) is here
11 who's a family friend who works for the sheriff's department
12 to show his support. So my -- I guess my point, I mean, he's
13 got a very -- very close-knit family, very close-knit circle
14 of friends who are offering a great measure of support for
15 this young man.

16 As you can see from the report, Judge, he has no
17 prior criminal history. He's actually enrolled at
18 Harris-Stowe University. He's in his first year there. He's
19 involved in several programs. I was handed, when I was
20 outside in the hall, by his aunt, some letters of support.

21 Just briefly, I have one from the President of
22 100 Black Men of Metropolitan St. Louis, which as I
23 understand, from speaking with Mr. Roach, is kind of a
24 mentoring program through Harris-Stowe. So he's involved in
25 the community heavily as far as speaking to other groups of

1 people himself.

2 I also have a letter from a Dan- -- Denala, D-A- --
3 D-E-N-A-L-A, Howell, who looks like a professor at
4 Harris-Stowe in the senior graphic design department, just
5 talking about how Mr. Roach's work ethic, integrity, and the
6 work that he's done at Harris-Stowe.

7 I also have another letter from, it looks like an
8 assistant manager at Schnucks Markets where he worked before
9 starting college. He's still in a program that allows him to
10 work there during his breaks. So I have a letter from the
11 assistant manager there, it looks like, talking about his work
12 ethic and his just character in that -- that job.

13 I understand, Judge, that it's a rebuttable
14 presumption and the charges are very serious. I would just
15 offer to the Court that he could certainly stay with his aunt
16 and would certainly be willing to participate in whatever
17 GPS monitoring, home confinement, that sort of thing. It
18 sounds like she's there at least a couple days a week. But
19 with the support system that he has in place, I think you can
20 be assured where he is at all times and the fact that he will
21 certainly appear at all future court hearings.

22 **THE COURT:** Okay. Thank you, Mr. Kilgore.

23 Ms. Szczucinski, did you want to do anything with
24 these reports that you handed in here? I'm a little concerned
25 that Ms. Behrens isn't here to talk about this case.

Detention Hearing

8

1 **MS. SZCZUCINSKI:** Ms. Behrens, Your Honor, had a
2 sentencing elsewhere. She wanted me to proffer those to the
3 Court and provide them to Mr. Kilgore. Victim information has
4 been redacted from the reports.

5 **THE COURT:** And what are they being proffered for?

6 **MS. SZCZUCINSKI:** Just with regard to the
7 circumstances of the events, Your Honor.

8 **THE COURT:** Okay. Well, Ms. Szczucinski, do you
9 know anything else about this?

10 **MS. SZCZUCINSKI:** I do not, Your Honor.

11 **THE COURT:** Okay. All right. So Mr. Roach, the way
12 things work in federal court is, I don't know if Mr. Kilgore
13 explained this to you, but it is not common to rule from the
14 bench in a detention hearing. Okay? Generally speaking, what
15 I do is take the information that I hear, take the information
16 that's proffered by the attorneys, and take a look at it.
17 Then I have to write an order about this. Okay? So it's not
18 exactly like state court when the judges just kind of rule
19 from the bench. Okay?

20 I know you haven't been in state court either, but
21 maybe some of your family members are a little more familiar
22 with how that works and so -- and have an expectation that
23 something might happen right now. So nothing's going to
24 happen right now. So you are going to be locked up for a few
25 more days at the very least. Okay?

Detention Hearing

9

1 And the other thing is I don't want you to get your
2 hopes up a lot. Okay? I'm not saying that it's going to go
3 one way or the other, but you've got a presumption here which
4 Mr. Kilgore can explain a little bit more about that.

5 **THE DEFENDANT:** Yes, ma'am.

6 **THE COURT:** Makes it difficult. Okay?

7 **THE DEFENDANT:** Yes, ma'am.

8 **THE COURT:** And then you've got very serious charges
9 and this isn't the time to work out whether or not there's any
10 validity to the charges. Okay? This is just what you're
11 dealing with right now. All right?

12 **THE DEFENDANT:** Yes, ma'am.

13 **THE COURT:** Okay. So anything else to put on the
14 record?

15 **MS. SZCZUCINSKI:** No thank you, Your Honor.

16 **THE COURT:** All right. Thank you, Mr. Roach. Thank
17 you, Counsel.

18 **MR. KILGORE:** Thank you, Judge.

19 (The proceedings concluded at 10:31 a.m.)
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CERTIFICATE

I, Carla M. Klaustermeier, do hereby certify that I am a duly appointed official court reporter for the United States District Court for the Eastern District of Missouri.

I further certify the foregoing is a true and accurate transcription as heard and understood from the taped proceedings held in the above-entitled case as has been transcribed from said tape to the best of my ability.

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9/9/2020

/s/Carla M. Klaustermeier

Date

Carla M. Klaustermeier